

OGC HAS REVIEWED.

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Office Memorandum • UNITED STATES GOVERNMENT

TO : General Counsel DATE: 1 July 1952

FROM : Office of Training

SUBJECT: Determination of Work Week Applicable to Personnel Assigned to Certain Training Facilities and/or Courses

REFERENCE: Discussion May 1952 25X1A

1. As you know, training activities of the Agency during the past year have increased in both scope and variety of facilities available. Employees are now participating in courses at various public and private institutions, both foreign and domestic.

2. Some of the courses require full-time participation by employees with the result that the individuals are relieved of all normal duties and responsibilities during the period of training. Other courses require less than full-time participation and are undertaken partly during normal official working hours and partly outside official working hours or entirely in addition to normal duties and outside official working hours.

3. With regard to the latter categories, i. e., those courses which involve hours in excess of the work day and work week, there has been raised the question as to whether the overtime hours should be compensated at overtime rates. There is the further question of whether night differential is appropriate.

4. With regard to the former categories, i. e., those courses which require that no time be spent on normal duties and responsibilities of the employee's job, there are the inherent questions of (a) overtime rates for hours in excess of the normal work week or on Saturdays, (b) overtime rates for activity required and performed on Holidays not recognized by the institution to which assigned or by the jurisdiction in which located, and (c) whether to charge annual leave for days on which no activity is required because of local holiday not proclaimed as a Federal holiday or because of academic holiday.

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5. Current Agency policy is silent as to these matters. 25X1A

6. It is proposed that these questions be resolved by policy and appropriate Agency regulation providing that (a) hours spent in Agency sponsored training activities shall be considered as working hours in determining whether an employee has worked the official work week of forty hours but may not be considered as working hours for purposes of overtime pay and/or compensatory leave, (b) hours spent in Agency sponsored training activities may

not be considered as working hours for purposes of night differential, and, (c) employees participating full time in Agency sponsored training activities and who have been relieved of normal duties for that purpose shall comply with the academic calendar and the laws of the jurisdiction in which located insofar as Holidays are concerned and in lieu of Legal Holidays otherwise applicable to employees.

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8. Your legal opinion with regard to (a) and (b) of the above paragraph is requested as soon as possible since, in the absence of general policy, questions of overtime pay for time spent in Agency sponsored training activities are not resolved uniformly by the several Offices.

FOR THE DIRECTOR OF TRAINING:

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